

**25.000 Scope of part.**

Except as provided in agency regulations, this part provides policies and procedures to implement the Buy American Act, the Balance of Payments Program, purchases under the Trade Agreements Act of 1979, and other laws and regulations that pertain to acquiring foreign supplies, services, and construction materials. This part also provides policies and procedures pertaining to international agreements, customs and duties, the clause at 52.215-2, Audit and Records—Negotiation, and use of local currency for payment.

[48 FR 42278, Sept. 19, 1983, as amended at 60 FR 42650, Aug. 16, 1995]

**Subpart 25.1—Buy American Act—Supplies****25.100 Scope of subpart.**

This subpart implements the Buy American Act (41 U.S.C. 10) and Executive Order 10582, December 17, 1954 (as amended). It applies to (a) supply contracts exceeding the micro-purchase threshold; and (b) contracts for services that involve the furnishing of supplies when the supply portion of the contract exceeds the micro-purchase threshold.

[59 FR 64788, Dec. 15, 1994]

**25.101 Definitions.**

*Civil aircraft and related articles*, as used in this subpart, means (a) all aircraft other than aircraft to be purchased for use by the Department of Defense or the U.S. Coast Guard; (b) the engines (and parts and components for incorporation into the engines) of these aircraft; (c) any other parts, components, and subassemblies for incorporation into the aircraft; and (d) any ground flight simulators, and parts and components of these simulators, for use with respect to the aircraft, whether to be used as original or replacement equipment in the manufacture, repair, maintenance, rebuilding, modification, or conversion of the aircraft, and without regard to whether the aircraft or articles receive duty-free treatment under section 601(a)(2) of the Trade Agreements Act of 1979.

*Components*, as used in this subpart, means those articles, materials, and supplies incorporated directly into the end products.

*Domestic end product*, as used in this subpart, means (a) an unmanufactured end product mined or produced in the United States, or (b) an end product manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. (In determining if an end product is domestic, only the end product and its components shall be considered.) The cost of each component includes transportation costs to the place of incorporation into the end product and any applicable duty (whether or not a duty-free entry certificate is issued). Components of foreign origin of the same class or kind for which determinations have been made in accordance with 25.102(a)(3) and (4) are treated as domestic. Scrap generated, collected, and prepared for processing in the United States is considered domestic.

*Domestic offer*, as used in this subpart, means an offered price for a domestic end product, including transportation to destination.

*End product*, as used in this subpart, means those articles, materials, and supplies to be acquired for public use under the contract.

*Foreign end product*, as used in this subpart, means an end product other than a domestic end product.

*Foreign offer*, as used in this subpart, means an offered price for a foreign end product, including transportation to destination and duty (whether or not a duty-free entry certificate is issued).

*Instrumentality*, as used in this subpart, does not include an agency or division of the government of a country, but may be construed to include arrangements such as the European Union.

*United States*, as used in this subpart, means the United States, its possessions, Puerto Rico, and any other place subject to its jurisdiction, but does not include leased bases or trust territories.

[48 FR 42278, Sept. 19, 1983, as amended at 53 FR 53340, Dec. 30, 1988; 59 FR 545, Jan. 5, 1994; 60 FR 67514, Dec. 29, 1995]